



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LORENA GODINEZ,

Plaintiff,

v.

BMW NORTH AMERICA, LLC,

Defendant.

Case No. 2:17-cv-05072-FLA (RAOx)

SPECIAL VERDICT FORM

1. Did Lorena Godinez (“Plaintiff”) buy a new 2010 BMW 328i SA distributed by BMW of North America, LLC?

Yes No

If your answer to question 1 is Yes, then answer question 2. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

2. Did BMW of North America, LLC give Plaintiff a written warranty?

Yes No

If your answer to question 2 is Yes, then answer question 3. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

3. Did the 2010 BMW 328i SA have defect(s) covered by the warranty that substantially impaired the vehicle's use, value, or safety to a reasonable buyer in Plaintiff's situation?

Yes No

If your answer to question 3 is Yes, then answer question 4. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

4. Did BMW of North America, LLC or its authorized repair facility fail to repair the 2010 BMW 328i SA to match the written warranty after a reasonable number of opportunities to do so?

Yes _____ No _____

If your answer to question 4 is Yes, then answer question 5. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

5. Did BMW of North America, LLC fail to promptly replace or repurchase the 2010 BMW 328i SA?

Yes No

If your answer to question 5 is Yes, then answer question 6. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

6. What are Lorena Godinez's damages?

Add the following amounts:

a. The purchase price of the vehicle itself: \$ 6000.00

b. Charges for transportation and manufacturer-installed options: \$ 6

c. Finance charges actually paid
by Lorena Godinez: \$ *✓*

d. Sales tax, license fees, registration fees,
and other official fees: \$ ✓

e. Incidental and consequential damages: \$ 8400.00

SUBTOTAL DAMAGES: \$ 14,400.00

1 Calculate the value of the use of the vehicle before it was brought in for repair as
2 follows:

3 What is the number of miles that the vehicle was driven between the time when
4 Lorena Godinez took possession of the vehicle and the time when she first delivered
5 the vehicle to BMW of North America, LLC or its authorized repair facility to fix the
6 problem?

7 Answer: 7556 miles

8 1. Add dollar amounts listed in lines a and b above:

9 \$ 6000.00

10 2. Multiply the result in step 1 by the number of miles the vehicle was driven
11 before it was brought in for repair:

12 \$ 45,336.00

13 3. Divide the dollar amount in step 2 by 120,000 and insert the result in VALUE
14 OF USE below:

15 \$ 377.80

16 **VALUE OF USE** \$ 377.80

17 Subtract the VALUE OF USE from the SUBTOTAL above and insert result in
18 TOTAL DAMAGES below:

19 **TOTAL DAMAGES:** \$ 14,022.20

20 Answer question 7.

7. Did BMW of North America, LLC willfully fail to repurchase or replace the new 2010 BMW 328i SA?

Yes No

If your answer to question 7 is Yes, then answer question 8. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

8. **What amount, if any, do you impose as a penalty? You may not exceed two times the “TOTAL DAMAGES” that you entered in question 6.**

PENALTY: \$ 28,044.40

After this verdict form has been signed, notify the court attendant that you are ready to present your verdict in the courtroom.